

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE PETITION OF WEST</b>	)	<b>ORDER SETTING BRIEFING</b>
<b>RIVER ELECTRIC ASSOCIATION, INC. FOR A</b>	)	<b>SCHEDULE</b>
<b>DECLARATORY RULING REGARDING</b>	)	
<b>SERVICE TERRITORY RIGHTS CONCERNING</b>	)	<b>EL02-003</b>
<b>BLACK HILLS POWER, INC. AND WEST</b>	)	
<b>RIVER ELECTRIC ASSOCIATION, INC.</b>	)	

On February 21, 2002, the South Dakota Public Utilities Commission ("Commission") received a Petition for Declaratory Ruling from West River Electric Association, Inc. (WREA) requesting the Commission to make declaratory rulings as to: (i) whether Black Hills Power, Inc. (BHP) is rendering or has extended service within WREA's territory in violation of SDCL § 49-34A-42; and (ii) whether WREA has the right to provide future electrical service to the Rapid City Waste Water Treatment Facility (the sewer plant) located within WREA's assigned service area.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-42 and 49-34A-59 and ARSD 20:10:01:34 and 20:10:01:35.

On April 4, 2002, the Commission granted BHP's motion to intervene, and on May 22, 2002, at 9:00 a.m., the Commission held a hearing on the Petition, with WREA, BHP and Commission Staff appearing as parties. Following the evidentiary portion of the hearing and an inquiry to the court reporter as to when delivery of the transcript could be expected, the parties and the Commission agreed, on the record, that briefs would be due and served in accordance with the following briefing schedule:

WREA Original Brief	20 days following WREA's receipt of transcript
BHP and Staff	10 days after receipt of WREA's Brief
WREA Reply Brief	5 days after receipt of BHP's and Staff's Briefs

It is therefore

ORDERED, that the parties wishing to submit Briefs in support of their positions in this matter will serve and file them in accordance with the agreed schedule set forth above.

Dated at Pierre, South Dakota, this 31st day of May, 2002.

<b>CERTIFICATE OF SERVICE</b>
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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JAMES A. BURG, Chairman

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PAM NELSON, Commissioner

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ROBERT K. SAHR, Commissioner

